

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

RUDOLPH W. GIULIANI
a/k/a RUDOLPH WILLIAM GIULIANI

Debtor.

Chapter 11

Case No. 23-12055 (SHL)

**DECLARATION OF AARON E. NATHAN IN SUPPORT OF THE OBJECTION OF
RUBY FREEMAN AND WANDREA' ARSHAYE MOSS TO DEBTOR'S MOTION FOR
RELIEF FROM AUTOMATIC STAY**

I, Aaron E. Nathan, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over 18 years of age, of sound mind, and otherwise competent to make this declaration, which is based on my personal knowledge.

2. I represent Ruby Freeman and Wandrea' ArShaye Moss, as creditors and parties-in-interest of Mr. Rudolph W. Giuliani a/k/a Rudolph William Giuliani in the above captioned case, and submit this Declaration in support of their objection to the *Debtor's Motion for an Order Modifying the Stay for the Limited Purposes of Allowing the Debtor to File Post Trial Motions to Modify the Judgment and on for a New Trial and to File a Notice of Appeal* [Docket No. 25], (the "Objection").

3. To substantiate the factual and procedural history of *Freeman v. Giuliani*, No. 21-cv-03354 (BAH) (D.D.C.) ("Freeman Litigation"), the Objection cites exhibits from the December 2023 jury trial. Because of the voluminous nature of the exhibits, they have not been filed on the docket. Counsel to Ms. Freeman and Ms. Moss intend to submit copies of the exhibits with the Court, the Debtor, and the Official Committee of Unsecured Creditors in advance of the hearing on the Debtor's Motion. Counsel for Ms. Freeman and Ms. Moss are prepared to provide

electronic copies of these exhibits to any requesting party in interest.

4. Submitted as Exhibit 1 is a true and correct excerpted copy of the trial transcript of Ms. Moss' Direct Examination in the Freeman Litigation from the morning session of December 12, 2023.

5. Submitted as Exhibit 2 is a true and correct excerpted copy of the trial transcript of Ms. Freeman's Direct Examination in the Freeman Litigation from the afternoon session of December 13, 2023.

6. Submitted as Exhibit 3 is a true and correct excerpted copy of the trial transcript of Ms. Moss' Cross-Examination and Re-Direct in Freeman Litigation from the afternoon session of December 12, 2023.

7. Submitted as Exhibit 4 is a true and correct copy of a Fox News article titled "AP calls Georgia for Biden as state finalized hand recount audit," published on November 19, 2020, admitted as Trial Exhibit 209 in the Freeman Litigation.

8. Submitted as Exhibit 5 is a true and correct copy of a tweet published by Mr. Giuliani on December 3, 2020 at 2:49 PM, admitted as Trial Exhibit 237 in the Freeman Litigation.

9. Submitted as Exhibit 6 is a true and correct copy of a series of tweets published by Gabriel Sterling, Georgia Secretary of State's Chief Operating Officer, on December 4, 2020 at 7:53 AM, admitted as Trial Exhibit 252 in the Freeman Litigation.

10. Submitted as Exhibit 7 is a true and correct copy of the transcript of the televised news briefing with Georgia Secretary of State Brad Raffensperger on George Final 2020 Election Results, from December 7, 2020, admitted as Trial Exhibit 292 in the Freeman Litigation.

11. Submitted as Exhibit 8 is a true and correct copy of an excerpted video of the

Georgia House of Representatives Hearing on Election Fraud, held on December 10, 2020, and admitted as Trial Exhibit 307 in the Freeman Litigation.

12. Submitted as Exhibit 9 is a true and correct copy of the transcript of the Georgia State Legislature Hearing on Election Fraud, held on December 3, 2020, and admitted as Trial Exhibit 223 in the Freeman Litigation.

13. Submitted as Exhibit 10 is a true and correct copy of an excerpted video of the Georgia State Legislature Hearing on Election Fraud, held on December 3, 2020, and admitted as Trial Exhibit 225 in the Freeman Litigation.

14. Submitted as Exhibit 11 is a true and correct copy of a tweet published by former-President Donald Trump on December 3, 2020 at 2:01 PM, admitted as Trial Exhibit 234 in the Freeman Litigation.

15. Submitted as Exhibit 12 is a true and correct copy of a tweet published by Mr. Giuliani on December 3, 2020 at 2:48 PM, admitted as Trial Exhibit 236 in the Freeman Litigation.

16. Submitted as Exhibit 13 is a true and correct copy of a tweet published by Mr. Giuliani on December 3, 2020 at 5:09 PM, admitted as Trial Exhibit 239 in the Freeman Litigation.

17. Submitted as Exhibit 14 is a true and correct copy of a tweet published by Mr. Giuliani on December 3, 2020 at 11:14 PM, admitted as Trial Exhibit 243 in the Freeman Litigation.

18. Submitted as Exhibit 15 is a true and correct copy of a video published on Twitter by the “Team Trump” account, on December 3, 2020, admitted as Trial Exhibit 560 in the Freeman Litigation.

19. Submitted as Exhibit 16 is a true and correct copy of the transcript of episode 92 of Mr. Giuliani's online video program, *Rudy Giuliani's Common Sense*, titled "VIDEO EVIDENCE: Caught Red Handed, TRUMP WON GEORGIA," and released on December 4, 2020. The transcript was admitted as Trial Exhibit 250 in the Freeman Litigation.

20. Submitted as Exhibit 17 is a true and correct copy of a tweet published by Mr. Giuliani on December 4, 2020 at 10:12 AM, admitted as Trial Exhibit 254 in the Freeman Litigation.

21. Submitted as Exhibit 18 is a true and correct copy of a tweet published by Mr. Giuliani on December 4, 2020 at 5:04 PM, admitted as Trial Exhibit 264 in the Freeman Litigation.

22. Submitted as Exhibit 19 is a true and correct copy of a tweet published by Mr. Giuliani on December 4, 2020 at 3:37 PM, admitted as Trial Exhibit 265 in the Freeman Litigation.

23. Submitted as Exhibit 20 is a true and correct copy of a tweet published by Mr. Giuliani on December 4, 2020 at 6:03 PM, admitted as Trial Exhibit 269 in the Freeman Litigation.

24. Submitted as Exhibit 21 is a true and correct copy of the audio from an episode of Mr. Giuliani's former radio show on WABC 77, *Chat with the Mayor*, titled "This is For Our Founding Fathers" and released on December 4, 2020. The audio was admitted as Trial Exhibit 542 in the Freeman Litigation.

25. Submitted as Exhibit 22 is a true and correct copy of the transcript of an episode of Mr. Giuliani's former radio show on WABC 77, *Chat with the Mayor*, titled "This is For Our Founding Fathers" and released on December 4, 2020. The transcript was admitted as Trial

Exhibit 568 in the Freeman Litigation.

26. Submitted as Exhibit 23 is a true and correct copy of the audio from an episode of Mr. Giuliani's additional radio show on WABC 77, *Uncovering the Truth with Rudy Giuliani and Dr. Maria Ryan*, titled "Uncovering Voter Fraud in Georgia" and released on December 6, 2020. The audio was admitted as Trial Exhibit 543 in the Freeman Litigation.

27. Submitted as Exhibit 24 is a true and correct copy of the transcript of an episode of Mr. Giuliani's radio show on WABC 77, *Uncovering the Truth with Rudy Giuliani and Dr. Maria Ryan*, titled "Uncovering Voter Fraud in Georgia" and released on December 6, 2020. The transcript was admitted as Trial Exhibit 569 in the Freeman Litigation.

28. Submitted as Exhibit 25 is a true and correct copy of a tweet published by Mr. Giuliani on December 8, 2020 at 10:10 AM, admitted as Trial Exhibit 301 in the Freeman Litigation.

29. Submitted as Exhibit 26 is a true and correct copy of a tweet published by the "Team Trump" account on December 10, 2020 at 11:26 AM, admitted as Trial Exhibit 312 in the Freeman Litigation.

30. Submitted as Exhibit 27 is a true and correct copy of audio from an episode of Mr. Giuliani's former radio show on WABC 77, *Chat with the Mayor*, titled "Election Integrity" and released on December 10, 2020. The audio was admitted as Trial Exhibit 546 in the Freeman Litigation.

31. Submitted as Exhibit 28 is a true and correct copy of a document titled the "Strategic Communications Plan" attributed to the "Giuliani Presidential Legal Defense Team," with an implementation timeline between December 27, 2020 and January 6, 2021. The document was admitted as Trial Exhibit 1 in the Freeman Litigation.

32. Submitted as Exhibit 29 is a true and correct copy of the transcript of *Rudy Giuliani's Common Sense*, episode 96, titled "Christmas IS Not Canceled, It's Vital This Year," and released on December 23, 2020. The transcript was admitted as Trial Exhibit 3 in the Freeman Litigation.

33. Submitted as Exhibit 30 is a true and correct copy of video of *Rudy Giuliani's Common Sense*, episode 96, titled "Christmas IS Not Canceled, It's Vital This Year," and released on December 23, 2020. The video was admitted as Trial Exhibit 4 in the Freeman Litigation.

34. Submitted as Exhibit 31 is a true and correct copy of a tweet published by the "Team Trump" account on December 23, 2020 at 10:02 AM, admitted as Trial Exhibit 335 in the Freeman Litigation.

35. Submitted as Exhibit 32 is a true and correct copy of a video published on Twitter by the "Team Trump" account, titled "STOP THE STEAL!" and posted on December 23, 2020 at 10:02 AM. The video was admitted as Trial Exhibit 336 in the Freeman Litigation.

36. Submitted as Exhibit 33 is a true and correct copy of a tweet published by the "Team Trump" account on December 23, 2020 at 2:18 PM, admitted as Trial Exhibit 338 in the Freeman Litigation.

37. Submitted as Exhibit 34 is a true and correct copy of a video published on Twitter by the "Team Trump" account on December 23, 2020 at 2:18 PM, admitted as Trial Exhibit 337 in the Freeman Litigation.

38. Submitted as Exhibit 35 is a true and correct copy of the transcript of *Rudy Giuliani's Common Sense*, episode 97, titled "Who Will Be Our President? The Current State of Our Country," and released on December 25, 2020. The transcript was admitted as Trial Exhibit 5 in the Freeman Litigation.

39. Submitted as Exhibit 36 is a true and correct copy of video of *Rudy Giuliani's Common Sense*, episode 97, titled "Who Will Be Our President? The Current State of Our Country," and released on December 25, 2020. The video was admitted as Trial Exhibit 6 in the Freeman Litigation.

40. Submitted as Exhibit 37 is a true and correct copy of the transcript of the OAN program titled "*Exclusive: OAN's Chanel Rion talks election fight with Rudy Giuliani*," and released on December 30, 2020. The transcript was admitted as Trial Exhibit 8 in the Freeman Litigation.

41. Submitted as Exhibit 38 is a true and correct copy of video of the OAN program titled "*Exclusive: OAN's Chanel Rion talks election fight with Rudy Giuliani*," and released on December 30, 2020. The transcript was admitted as Trial Exhibit 7 in the Freeman Litigation.

42. Submitted as Exhibit 39 is a true and correct copy of the transcript of *Rudy Giuliani's Common Sense*, episode 98, titled "I Can't Say This on National Television," and released on December 30, 2020. The transcript was admitted as Trial Exhibit 9 in the Freeman Litigation.

43. Submitted as Exhibit 40 is a true and correct copy of video of *Rudy Giuliani's Common Sense*, episode 98, titled "I Can't Say This on National Television," and released on December 30, 2020. The video was admitted as Trial Exhibit 10 in the Freeman Litigation.

44. Submitted as Exhibit 41 is a true and correct copy of the transcript of the telephone call between former-President Donald Trump and Georgia Secretary of State Brad Raffensperger from January 2, 2021, as published by the Wall Street Video. The transcript was admitted as Trial Exhibit 12 in the Freeman Litigation.

45. Submitted as Exhibit 42 is a true and correct copy of audio of the telephone call

between former-President Donald Trump and Georgia Secretary of State Brad Raffensperger from January 2, 2021, admitted as Trial Exhibit 11 in the Freeman Litigation.

46. Submitted as Exhibit 43 is a true and correct copy of the transcript of former-President Donald Trump's speech at the White House Ellipse from January 6, 2021, as published by NPR on February 10, 2021. The transcript was admitted as Trial Exhibit 14 in the Freeman Litigation.

47. Submitted as Exhibit 44 is a true and correct copy of video of former-President Donald Trump's speech at the White House Ellipse from January 6, 2021. The video was admitted as Trial Exhibit 15 in the Freeman Litigation.

48. Submitted as Exhibit 45 is a true and correct copy of audio of the OAN program titled "*Rudy Giuliani - In Focus with Stephanie Hamill*," and released on January 18, 2021. The audio was admitted as Trial Exhibit 16 in the Freeman Litigation.

49. Submitted as Exhibit 46 is a true and correct copy of the transcript of the OAN program titled "*Rudy Giuliani - In Focus with Stephanie Hamill*," and released on January 18, 2021. The transcript was admitted as Trial Exhibit 17 in the Freeman Litigation.

50. Submitted as Exhibit 47 is a true and correct copy of the transcript of the OAN program titled "*Uncovering the Crime of the Century with Rudy Giuliani*," and released on June 14, 2021. The transcript was admitted as Trial Exhibit 18 in the Freeman Litigation.

51. Submitted as Exhibit 48 is a true and correct copy of video of the OAN program titled "*Uncovering the Crime of the Century with Rudy Giuliani*," and released on June 14, 2021. The transcript was admitted as Trial Exhibit 19 in the Freeman Litigation.

52. Submitted as Exhibit 49 is a true and correct copy of the transcript of the OAN program titled "*The Real Story-OAN Exposing Disinformation with Rudy Giuliani*," and released

on July 23, 2021. The transcript was admitted as Trial Exhibit 20 in the Freeman Litigation.

53. Submitted as Exhibit 50 is a true and correct copy of video of the OAN program titled “*The Real Story-OAN Exposing Disinformation with Rudy Giuliani*,” and released on July 23, 2021. The video was admitted as Trial Exhibit 21 in the Freeman Litigation.

54. Submitted as Exhibit 51 is a true and correct copy of a transcript of the OAN program titled “*The Real Story-Pennsylvania Shenanigans with Rudy Giuliani*,” and released on December 11, 2021. The transcript was admitted as Trial Exhibit 23 in the Freeman Litigation

55. Submitted as Exhibit 52 is a true and correct copy of video of the OAN program titled “*The Real Story-Pennsylvania Shenanigans with Rudy Giuliani*,” and released on December 11, 2021. The video was admitted as Trial Exhibit 22 in the Freeman Litigation.

56. Submitted as Exhibit 53 is a true and correct copy of the transcript of *Rudy Giuliani's Common Sense*, episode 204, titled “Listen to What John Solomon Found Out about the Presidential Election!” and released on January 12, 2022. The transcript was admitted as Trial Exhibit 25 in the Freeman Litigation.

57. Submitted as Exhibit 54 is a true and correct copy of video of *Rudy Giuliani's Common Sense*, episode 204, titled “Listen to What John Solomon Found Out about the Presidential Election!” and released on January 12, 2022. The video was admitted as Trial Exhibit 24 in the Freeman Litigation.

58. Submitted as Exhibit 55 is a true and correct copy of the summary exhibit of threats received by Ms. Freeman between December 4, 2020 and January 6, 2021, admitted as Trial Exhibit 165A in the Freeman Litigation.

59. Submitted as Exhibit 56 is a true and correct copy of a voicemail sent to Ms. Freeman on December 7, 2020 at 12:17 PM, admitted as Trial Exhibit 150 in the Freeman

Litigation.

60. Submitted as Exhibit 57 is a true and correct copy of a voicemail sent to Ms. Freeman on December 6, 2020 at 1:55 PM, admitted as Trial Exhibit 144 in the Freeman Litigation.

61. Submitted as Exhibit 58 is a true and correct copy of a voicemail sent to Ms. Freeman on December 6, 2020 at 1:58 PM, admitted as Trial Exhibit 145 in the Freeman Litigation.

62. Submitted as Exhibit 59 is a true and correct copy of a voicemail sent to Ms. Moss' minor son's phone on December 4, 2020 at 10:06 PM, admitted as Trial Exhibit 278 in the Freeman Litigation.

63. Submitted as Exhibit 60 is a true and correct copy of video of Mr. Giuliani statements to the press on December 11, 2020 after the first day of the Freeman Litigation. The video was admitted as Trial Exhibit 605 in the Freeman Litigation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 18, 2024

/s/ Aaron E. Nathan

AARON E. NATHAN

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